

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:04-cr-40

v.

HON. GORDON J. QUIST

ALAN FREDERICK MATHIS,

Defendant.

REPORT AND RECOMMENDATION

Pursuant to W.D. MICH. L.CR.R. 11.1, I conducted a plea hearing in the captioned case on August 9, 2006, after receiving the written consent of defendant and all counsel. At the hearing, defendant ALAN FREDERICK MATHIS entered a plea of not guilty by reason of insanity to the Indictment, charging defendant with Assault Upon Federal Officer or Employee in Performance of Official Duties in violation of 18:111(a)(1).

On August 9, 2006, the Defendant's plea was received by this Court, pursuant to the written plea agreement signed by all parties. At that time, I received sufficient evidence in the form of written stipulated facts outlined within the plea agreement, a ten-page Forensic Report dated May 24, 2006, from Forensic Psychologist Tanya L. Cunic, Psy. D, of FCI Butner, and a four-page Forensic Report Addendum also dated May 24, 2006, from Forensic Psychologist Tanya L. Cunic, Psy. D, of FCI Butner.

Based upon this evidence, I recommend the Court find that the defendant, Alan Frederick Mathis, is not guilty only by reason of insanity at the time of the offense charged, pursuant to 18 U.S.C. § 4242(b)(3); and that the offense charged involved a substantial risk of bodily injury to another person or of serious damage to the property of another person, pursuant to 18 U.S.C. § 4243(d).

Based upon these recommended findings and by separate order:

1. Pursuant to 18 U.S.C. § 4243(a), the defendant, Alan Frederick Mathis, be committed to FCI Butner for psychiatric evaluation and treatment by Bureau of Prisons' Forensic Psychologist Tanya L. Cunic, Psy. D, or her designate;

2. Pursuant to 18 U.S.C. §.4243(b) and (d), Dr. Cunic shall conduct a psychiatric or psychological examination of the defendant, Alan Frederick Mathis, to determine whether or not his release would create a substantial risk of bodily injury to another person or serious damage of the property of another due to a present mental disease or defect;


3. Pursuant to 18 U.S.C. § 4243(f), should Dr. Cunic conclude, after conducting a psychiatric or psychological examination of the defendant, Alan Frederick Mathis, that his immediate release would create a substantial risk of bodily injury to another person or serious damage of the property of another due to a present mental disease or defect, Dr. Cunic shall determine whether or not his conditional discharge under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage of the property of another;

4. Pursuant to 18 U.S.C. § 4243(b), Dr. Cunic shall file with this Court a written report of the psychiatric or psychological examination conducted on the defendant, Alan Frederick

Mathis, and, with the exception of the time periods and time extensions contained therein, this report shall be prepared pursuant to the provisions of 18 U.S.C. § 4247(b) and (c); and

5. Pursuant to 18 U.S.C. § 4243(c) and (d), a further hearing in this matter shall be conducted forty days from today, on September 18, 2006, and the Bureau of Prisons and the United States Marshals Service shall ensure that the defendant, Alan Frederick Mathis, is personally present for that hearing.

Dated: 8/9/06


TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Approved as to Form and Content:


Maarten Vermaat – Assistant United States Attorney


Paul A. Peterson – Assistant Federal Public Defender


Alan Frederick Mathis, Defendant

NOTICE TO PARTIES

You have the right to de novo review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than ten days after the plea hearing. See W.D. MICH. L.CR.R. 11.1(d).